

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

<p>EDDIE ROY JACKSON JR,</p> <p>Plaintiff,</p> <p>v.</p> <p>WILHELM RESTAURANT GROUP, INC.,</p> <p>3289 CORPORATION,</p> <p>ROSEMARIE KEMMER, and</p> <p>DOUGLAS HEWITT,</p> <p>Defendants.</p>	<p>CIVIL ACTION NO. _____</p> <p>(REMOVED FROM THE CIRCUIT COURT FOR PRINCE WILLIAM COUNTY, VIRGINIA)</p>
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NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants Wilhelm Restaurant Group, Inc. (“WRG”), 3289 Corporation (“3289”), Rosemarie Kemmerer (incorrectly identified as “Rosemarie Kemmer” in the caption of Plaintiff’s Complaint) (“Kemmerer”), and Douglas Hewitt (“Hewitt”) (collectively, “Defendants”), by and through their counsel, hereby remove the above-captioned matter from the Circuit Court for Prince William County, Virginia to the United States District Court for the Eastern District of Virginia on the following grounds:

1. On or about January 11, 2022, Plaintiff Eddie Roy Jackson Jr. (“Plaintiff”) filed an action against Defendants in the Circuit Court for Prince William County, Virginia, bearing the caption *Eddie Roy Jackson Jr. v. Wilhelm Restaurant Group, Inc., 3289 Corporation, Rosemarie Kemmer, and Douglas Hewitt* and Case No. CL22-561 (“State Court Action”).
2. Defendants 3289 and Kemmerer were served with the Complaint and Summons in the State Court Action on or about January 27, 2022. Defendants WRG and Hewitt have not yet been served with the Complaint and Summons in the State Court Action.

3. The State Court Action is a civil action over which this Court has original jurisdiction pursuant to the provisions of 29 U.S.C. § 1331 and which may, therefore, be removed to this Court by Defendants in accordance with the provisions of 28 U.S.C. § 1441(a). Although Plaintiff does not clearly articulate the specific basis of his claims, Plaintiff alleges that Defendants have engaged in race discrimination, gender discrimination, harassment and retaliation, and violation of the Equal Pay Act and attaches a copy of the Dismissal and Notice of Rights issued by the Equal Employment Opportunity Commission on October 7, 2021. Therefore, Plaintiff appears to be pursuing claims under federal statutes, specifically Title VII of the Civil Rights Act of 1964 and the Equal Pay Act. Because his claims are based on the laws of the United States, this Court has original jurisdiction over Plaintiff's claims pursuant to 29 U.S.C. § 1331, and this matter is removable as of right without regard to the citizenship of the parties.

4. Venue is proper in this Court because the State Court Action was filed in a state court located within the jurisdiction of the Alexandria Division of the Eastern District of Virginia.

5. Defendants are timely filing this Notice of Removal within thirty (30) days of service on it of the Complaint and Summons.

6. True and accurate copies of all process, pleadings, and orders served upon Defendants 3289 and Kemmerer in the State Court Action are attached to this Notice of Removal as **Exhibit A** and **Exhibit B**, respectively. Upon information and belief, no further proceedings have taken place in the State Court Action.

7. In accordance with 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being timely filed with the Clerk of the Circuit Court of Prince William County, Virginia.

8. In accordance with 28 U.S.C. § 1446(d), written notice of this Notice of Removal is being timely given to Plaintiff by sending a copy via FedEx overnight delivery to his address listed on the Complaint filed in the State Court Action.

WHEREFORE, Defendants Wilhelm Restaurant Group Inc., 3289 Corporation, Rosemarie Kemmerer, and Douglas Hewitt respectfully request that the United States District Court for the Eastern District of Virginia assume jurisdiction over this case and that no further proceedings be held in the Circuit Court for Prince William County, Virginia.

**WILHELM RESTAURANT GROUP,
INC., 3289 CORPORATION,
ROSEMARIE KEMMERER, AND
DOUGLAS HEWITT**

By: /s/ Randy C. Sparks, Jr..

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that, on this 16th day of February, 2022, a true and accurate copy of the foregoing NOTICE OF REMOVAL was served, via FedEx overnight delivery, upon the following:

Eddie Roy Jackson Jr.
2103 Old Landing Way
Woodbridge, Virginia 22191

/s/ Randy C. Sparks, Jr.
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